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Montserrat

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 29 December 2014. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Montserrat is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Adrian Derek Davis (since April 2011).

Geography: Situated in the Leeward Islands in the eastern Caribbean, 43 km south-west of Antigua and 64 km north-west of Guadeloupe. The entire island is volcanic. In July 1995, the Soufrière Hills volcano, which had been dormant for more than 400 years, erupted with devastating effects, including the destruction of the capital, causing the evacuation and relocation of about 70 per cent of the population from the southern part of the island. The effects of that eruption and subsequent lighter volcanic activity are still being felt.

Land area: 103 km².

Exclusive economic zone: 7,582 km².

Population: 5,000 (2012 estimate).

Life expectancy at birth: 79.6 years (men: 76.8 years, women: 82.4 years (2014 estimate)).

Language: English.

Capital: Plymouth, abandoned in 1997 following the volcanic eruption. A new urban centre is being developed at Little Bay, on the north-west coast of the island.

Head of territorial Government: Premier Donaldson Romeo (September 2014).

Main political parties: People's Democratic Movement; Movement for Change and Prosperity.

Elections: Most recent: September 2014; next: due in September 2019.

Gross domestic product per capita: $9,500 (2013 estimate).

Economy: Financial services, investments, construction.

Main trading partners: Canada, Japan, Trinidad and Tobago, United States of America.

Unemployment rate: 6.5 per cent (2013 estimate).

Monetary unit: East Caribbean dollar, pegged to the United States dollar (EC$ 2.70 equals $1).

Brief history: Columbus named Montserrat after a monastery near Barcelona in Spain. The first European settlers, mostly Irish, arrived in 1632. The island later became a haven for indentured Irish servants transported to the British West Indies. A major slave uprising occurred on St. Patrick's Day in 1768. In the eighteenth century, Montserrat was intermittently occupied by France, prior to its confirmation as a British Territory in 1783. It became a British Crown Colony in 1871. Following the break-up of the Federation of the West Indies in 1962, Montserrat opted for Crown Colony status rather than associated statehood.

I. Constitutional, legal and political issues

1. Under the Montserrat Constitution Order 2010, which entered into force in September 2011, Montserrat has a governor appointed by the British Crown, a cabinet and a legislative assembly. The current Governor took office in April 2011. He is responsible for internal security (including the police), external affairs, defence, public service and the regulation of international financial services. Under the Constitution, the British Crown reserves the power, with the advice of the Privy Council of the United Kingdom of Great Britain and Northern Ireland, to make laws for the peace, order and good government of Montserrat.

2. The Cabinet consists of the Premier, three other ministers, the Attorney General and the Financial Secretary. The Deputy Governor, a Montserratian appointed by the Governor, may attend meetings, but does not have the right to vote. The Cabinet is presided over by the Governor, is responsible for the general control and direction of the Government and is collectively responsible to the legislature.

3. The Legislative Assembly consists of nine members. Elections are normally held in Montserrat every five years on the basis of universal adult suffrage. In the most recent elections, held in September 2014, the Movement for Change and Prosperity, which had formed the previous Government, was defeated and the newly formed People's Democratic Movement, headed by Donaldson Romeo, won seven of the nine seats in the Assembly. In September 2014, Mr. Romeo became the Premier of Montserrat. In its final report on the September 2014 election, the Commonwealth Elections Observer Mission, which had been invited by the Governor to observe the election, made 13 recommendations pertaining to such issues as revisions of the legal framework for elections, reform of voter registration system and measures to promote the participation of women.

4. The law of Montserrat comprises primarily legislation enacted by the legislature of Montserrat, certain acts of the Parliament of the United Kingdom extended to Montserrat, orders in council made by the British Crown in the Privy Council and English common law. Montserrat falls under the jurisdiction of the Eastern Caribbean Supreme Court (High Court and Court of Appeal). The Court of Appeal is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among its nine members, including Montserrat. The final court of appeal for civil and criminal matters is the Judicial Committee of the Privy Council. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

5. As previously reported, addressing the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Quito from 30 May to 1 June 2012, the then Premier of Montserrat stated that Montserrat was a fully internally self-governing Territory where all executive decisions were made by the local Cabinet of Ministers. He further stated that there was no public interest whatsoever in separating from the United Kingdom. The continuing relationship with the United Kingdom was one made by free choice and the people of the island did not see themselves as being a colonized people. He recommended that the Special Committee on Decolonization should remove Montserrat from its decolonization discussions.

II. Budget

6. The public sector in Montserrat continues to be dependent on budgetary aid from the United Kingdom, which continued to contribute approximately 60 per cent of the recurrent budget in the fiscal year 2014/15. According to the administering Power, the 2014/15 budget amounted to EC$ 114 million in recurrent expenditure. In addition to the above-mentioned contribution to the recurrent budget, the United Kingdom made available approximately EC$ 46.4 million to support capital projects for 2014/15.

7. The Territory benefits from an allocation of approximately €16 million under the tenth European Development Fund. According to the territorial Government, Montserrat has been granted an increase of almost 15 per cent under the eleventh Fund.

8. According to the administering Power, overall domestic revenues are expected to be approximately EC$ 44.7 million in 2014/15. Individual residents are taxed on their worldwide income from all sources. Tax is also levied on the chargeable income paid by any incorporated company, building society or body of persons. While companies pay tax of 30 per cent on profits, there is no capital gains tax.

III. Economic conditions

A. General

9. According to the administering Power, real gross domestic product (GDP) growth in 2014/15 is expected to be 0.82 per cent owing to Government capital projects providing some stimulus to the construction sector. The Economist Intelligence Unit put the Territory's estimated GDP for 2013 at $69.9 million. For its part, the United Kingdom continued to support the Montserrat Development Corporation in recognition of its role as a facilitator and project manager for supporting foreign and local private investment in pursuit of sustainable socioeconomic development.

B. Agriculture and fisheries

10. As a result of ongoing volcanic activity, most fertile agricultural land, pasture and fishing areas continue to be either restricted or inaccessible. In recent years, however, agricultural crop, fish and livestock production has reportedly increased. According to the administering Power, crop production was enhanced by private sector investment in hydroponic farming systems in 2014.

11. In 2014, the territorial Government continued to focus on agriculture as a key area in which to build its self-reliance policy. Initiatives included employment opportunities and greater local production, notably through backyard gardens and increased acreage being devoted to cultivation.

C. Financial services

12. Montserrat is a member of the Eastern Caribbean Central Bank, which acts as the central bank for the Territory, and is part of the Eastern Caribbean Securities Exchange and the Caribbean Financial Action Task Force, the body that monitors anti-money-laundering activities and works to counter the financing of terrorism in the region. There are various banking facilities, including two commercial entities (the Bank of Montserrat and the Royal Bank of Canada) and several international banks. There is also a credit union in the Territory and a building society.

13. In 2014, the territorial Government continued to enhance corporate governance of the international financial services industry, in cooperation with the Territory's Financial Services Commission, to regulate international banks, insurance companies, money service providers and cooperative societies.

D. Tourism

14. The redevelopment of the tourism industry continues to be a priority for the territorial Government. As previously reported, an improved ferry service with greater capacity was launched in December 2013. The ferry makes the trip between Montserrat and Antigua in about an hour, enabling Montserrat to market itself more effectively as a day-trip destination. According to media reports, some 8,000 day tourists visited the Territory in 2014. In addition, according to the territorial Government, overall visitor arrivals increased by about 10 per cent, from 14,210 in 2012 to 15,648 in 2013. According to the administering Power, efforts have been made to attract cruise ships to the island and plans are afoot to develop escorted tours to the abandoned capital, Plymouth, for those cruise ship visitors.

E. Construction

15. The physical development plan for the period 2013-2022 maps out the Government's vision for developing the northern portion of the Territory and provides a framework to help to meet the objectives set out in the sustainable development plan, addressing issues such as land availability, limited resources and infrastructure development.

16. According to the administering Power, there was significant progress in the Territory's capital development programme in 2014/15. With assistance from the United Kingdom, two geothermal exploration wells were drilled and a third is planned. In addition, continued assistance enabled the rehabilitation of large parts of the A1 road, the Territory's main artery, to a good standard. According to the administering Power, the development of Little Bay continued with the construction of a marine village, a new building for the Montserrat Social Security Fund, a national museum and a multi-purpose sports centre. Land reclamation also commenced to provide space for a commercial shopping centre.

F. Utilities and communication

17. A private company, Montserrat Utilities Ltd., distributes water and electricity in the Territory. According to the administering Power, the entire population enjoys access to the Territory's plentiful supply of good potable water and about 98 per cent of residents are connected to the water system. The water section of the company also has responsibility for sewage treatment in some areas, notably Lookout and Davy Hill.

18. For its part, the territorial Government continued in 2014 to promote the development of a national energy policy, moving away from inefficient containerized high-speed diesel generators. According to the administering Power, it is expected that sufficient geothermal energy resources will eventually be made available to meet the demand for electricity in the Territory.

19. In addition to the aforementioned enhanced ferry service, Montserrat and Antigua and Barbuda are also connected by scheduled and charter air services operated by two companies. Montserrat is a member of the Eastern Caribbean Civil Aviation Authority and of Air Safety Support International, which regulates the Territory's airspace. According to the administering Power, Air Safety Support International will soon also assume responsibility for oversight of aviation security.

20. E-mail is widely used and digital subscriber lines have been introduced. In 2014, the territorial Government continued to explore the possibility of establishing a fibre-optic link to the Territory from abroad.

IV. Social conditions

A. General

21. The volcanic crisis has had a profound effect on traditional social structures and support systems in the Territory. Many families and communities have been split up and relocated to various parts of the world. According to the administering Power, social welfare services in Montserrat continue to include monthly financial assistance, rental assistance and one-time assistance for basic items. In 2014, the United Kingdom continued to provide funding for a senior social worker to support the development of a strategic framework for integrated social services in Montserrat.

B. Labour

22. The working population of Montserrat comprises about 2,500 persons, approximately half of whom are Montserratians. Labour relations are governed by the Employment Act and the Labour Code (both revised in 2012), under which the Department of Labour provides mediation and conciliation services, with the Labour Tribunal settling disputes. The Montserrat Allied Workers Union represents workers outside of the public service. There is no minimum wage legislation.

23. The Labour Code as revised in 2012 provides for equality of treatment in employment, irrespective of an employee's race, colour, sex, religious belief, ethnic

origin, nationality, political opinion or affiliation, disability, family responsibility, pregnancy, marital status or age.

24. In 2014, the territorial Government continued to address the entrenched shortage of skilled labour by providing relocation incentives to Montserratians and granting work permits to non-Montserratians in order to meet the demand for professional and other skilled labour. The granting of work permits is covered under the Immigration Act 2002.

C. Education

25. Montserrat has educational infrastructure and services that provide full access to primary and secondary education. Compulsory education starts at age 5 and continues until age 16. According to the territorial Government, in 2014, two out of four of the primary schools and the only secondary school are public; 55 pupils graduated from the secondary school in 2014. The Ministry of Education is responsible for early childhood, primary, secondary and post-secondary education, in addition to special needs, teacher training and education support services. There are several government day-care facilities and nursery schools and a privately owned early childhood facility. Since 2013, arrangements have been made for a child-safeguarding specialist to lead the Territory's development of a multi-agency child-safeguarding framework.

26. The Montserrat Community College in Salem offers advanced academic courses for students between 16 and 18 years of age, in addition to nursing education and some technical skills courses. The University of the West Indies maintains an extramural department adjacent to the Community College. Postgraduate college students can study for a variety of long-distance degrees from the University.

27. Citizens from overseas territories enjoy the home student fee rate at British universities. In 2014/15, a student from Montserrat was awarded a Chevening scholarship to study in the United Kingdom. In addition, in accordance with the November 2013 decision the Council of the European Union on the association of the overseas countries, the European Union provides for access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

D. Public health

28. The Ministry of Health is responsible for providing primary and secondary health services, including foster care, in addition to health-related policy advice in such areas as general medical care and surgical care, diagnostic testing, eye and ear care and medication. The territorial Government offers free emergency dental services for school-age children, the elderly, pregnant women and government staff, in addition to providing highly specialized health services through arrangements for a number of specialists to visit the Territory. At the same time, arrangements are in place for emergency medical evacuation to Antigua and Barbuda and Guadeloupe.

29. The Territory's health facilities include the 30-bed Glendon Hospital in St. Johns in the north, which is able to cover all routine health issues, X-rays and

minor operations, in addition to several primary care clinics. According to the administering Power, in 2014, planning was under way to expand the hospital with a grant of £8.4 million from the United Kingdom. According to the territorial Government, construction is expected to commence by the first quarter of 2015, for completion in 2017.

E. Crime and public safety

30. Under a five-year strategy, the Royal Montserrat Police Service is focusing on neighbourhood and intelligence-led policing, crime reduction and prevention, and partnership in the criminal justice system. According to the administering Power, Montserrat has a very low crime rate compared with the rest of the Caribbean.

31. According to official sources, in 2013/14, the United Kingdom funded a law enforcement adviser based in Miami, United States of America, who coordinates, manages and facilitates training and strategic advice to introduce new techniques and skills for the Territory's law enforcement agencies. Furthermore in 2014, *HMS Argyll* and *HMS Severn* were on patrol in the Caribbean and the North Atlantic to provide disaster relief and humanitarian assistance as needed. They were also engaged in counter-narcotics and interdiction patrols. Both ships made reconnaissance visits to the Territory to improve their coordination with local disaster management and security agencies.

F. Human rights

32. Under the Territory's Constitution, provision is made regarding the fundamental rights and freedoms of the individual. Major international and European human rights instruments have been extended to Montserrat.

33. For its part, the Territory's Human Rights Committee, established in 2005, helps to fulfil the Territory's reporting requirements under various international conventions, monitors the implementation of the conventions and advises the Government on matters relating to human rights. The Status of Children Act 2012, which entered into force in 2013, abolishes the legal distinction made between the status of children born within and outside marriage.

V. Environment and volcanic activity

34. Following the eruption of the Soufrière Hills volcano in 1995, an exclusion zone comprising roughly the southern two thirds of the island was established. Since the last major eruptive activity in February 2010, the volcano has been quiet and some relaxations in access to Zone C, which is part of the exclusion zone, were made in 2014, allowing 24-hour access to the zone. Work also continued on repairs to bridges, roads and culverts that had been washed away by flooding and landslides caused by the passing of Hurricane Earl in 2010.

35. According to the administering Power, Montserrat has a clearly defined institutional framework for disaster response, which in 2013 was tested in an exercise called Green Flash. A national hurricane plan, which was produced in 2013 and is revised annually, outlines the major tasks to be undertaken by the Territory's

agencies, ministries or departments as part of the national emergency management system in planning for, and responding to, tropical weather systems.

36. As previously reported, the report on sustainability in the United Kingdom overseas territories issued by the Environmental Audit Committee of the United Kingdom House of Commons in January 2014 identified financial and institutional concerns regarding threats to unique habitats and species and the protection of biodiversity in the overseas territories. With regard to Montserrat, the Committee indicated that in 2008 an environmental management bill had been introduced in the Territory to set up basic planning controls, but by December 2013 it had yet to be enacted. The Territory lacked baseline standards on development control such as statutory environmental impact assessments for major developments and strategic development plans. The report featured the case of Piper's Pond as an example of environmentally destructive development that had affected the only remaining mangrove area on the island. According to the administering Power, as at December 2014, the environmental management bill had not been enacted.

37. The United Kingdom Overseas Territories Biodiversity Strategy has been devised as a key tool to enable the United Kingdom and overseas territorial Governments to meet the relevant international obligations for the conservation and sustainable use of biodiversity. In April 2014, a report was published about ongoing and planned activities that are supported by the Department for Environment, Food and Rural Affairs, the Foreign and Commonwealth Office and the Department for International Development of the Government of the United Kingdom, as well as its statutory adviser the Joint Nature Conservation Committee, in each of the areas under the Strategy. The report covered, inter alia, activities in Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands (Malvinas),[1] Gibraltar, Montserrat, Pitcairn, Saint Helena and the Turks and Caicos Islands.

VI. Relations with international organizations and partners

38. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. According to the administering Power, the Territory continues to maintain a bilateral dialogue with the International Monetary Fund, involving the Territory's public sector, banking, business and union representatives.

39. Montserrat is a founding member of both the Caribbean Community (CARICOM) and the Organisation of Eastern Caribbean States (OECS) and a member of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank, in addition to the OECS Assembly, which was established in 2012 under the Revised Treaty of Basseterre to support the legislative work of OECS. Moreover, the Territory has observer status with the Caribbean Financial Action Task Force and is a member of the Caribbean Regional Fisheries Mechanism.

40. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. The Territory is a partne.

[1] A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

under the above-mentioned decision of the Council of the European Union which was approved, among other things, and according to the administrative Power, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union in the wider world.

VII. Future status of the Territory

A. Position of the territorial Government

41. Information on the position of the territorial Government regarding the future status of Montserrat is set out in section I above.

B. Position of the administering Power

42. On 10 October 2014, at the 5th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-ninth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was modern and based on partnership, shared values and the right of the people of each territory to choose to remain British. Should the people of a territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

43. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with territory leaders into a Joint Ministerial Council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper.

44. At the third meeting of the Overseas Territories Joint Ministerial Council, held in London on 2 and 3 December 2014, the United Kingdom and overseas territory leaders agreed upon a communiqué that included the following passage setting out the joint position of the United Kingdom and the overseas territories on self-determination:

> The peoples of all the Territories have the right of self-determination. For those Territories with permanent populations who wish it, the United Kingdom will continue to support requests for the removal of the Territory from the United Nations list of Non-Self-Governing Territories. Territory Governments are politically accountable to their legislatures for the exercise of devolved areas of policy. We will continue to work together to develop governmental and democratic institutions so that Territories have the greatest self-government possible, compatible with the United Kingdom's obligations in respect of its sovereign responsibilities.

VIII. Action taken by the General Assembly

45. On 5 December 2014, the General Assembly adopted resolutions 69/105 A and B without a vote, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2014 (A/69/23) and on the subsequent recommendation by the Fourth Committee. Section VII of resolution B concerns Montserrat. In that section, the General Assembly:

(a) Recalled the 2011 Constitution of Montserrat and the work of the territorial Government with respect to moving forward to consolidate the gains provided for in the Constitution;

(b) Requested the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(c) Welcomed the Territory's participation in the 2012 inauguration of the Organization of Eastern Caribbean States Assembly and in the work of that Organization and the Economic Commission for Latin America and the Caribbean;

(d) Called upon the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption.